

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DOROTHY STANLEY, AS EXECUTRIX OF	:	
THE ESTATE OF HELEN A. RUNGE,	:	
Plaintiff	:	
	:	No. 05-10849-RGS
v.	:	(Judge Stearns)
	:	
WALTER J. KELLY, et al.	:	CIVIL ACTION
Defendants	:	JURY TRIAL DEMANDED

**MEMORANDUM OF REASONS IN SUPPORT OF
MOTION FOR POSTPONEMENT OF TRIAL**

Dorothy Stanley, Executrix of the Estate of Helen Runge ("Plaintiff"), by and through her counsel, respectfully submits this Memorandum of Reasons in Support of her Motion for Postponement of Trial.

I. BACKGROUND

Plaintiff maintains this action against Defendants Kelly and Sunbridge seeking to recover for physical, emotional and financial injuries. Defendant Bloomingdale was dismissed from the case by Stipulation of Dismissal executed by all parties and filed on January 30, 2008 (Document No. 126). Plaintiff now seeks a postponement of the trial scheduled to begin April 14, 2008 due to prejudice she will suffer if required to move forward at this time.

II. REASONS WHY MOTION SHOULD BE GRANTED

Gilbert Stanley is the spouse of Dorothy Stanley and a key witness for Plaintiff. Mr. Stanley's health is such that he is unable to travel to, attend or provide testimony at the trial. Mr. Stanley's health has advanced to the point that he is required to be on

continuous oxygen and has extreme difficulty ambulating because of his lack of strength. Mr. Stanley is unable to provide his own activities of daily living and Dorothy Stanley, Plaintiff and Mr. Stanley's wife, is now providing that necessary daily care to Mr. Stanley. Mrs. Stanley is unable to be with Mr. Stanley to care for him while prosecuting the matter in Boston, Massachusetts as they reside in Columbia, North Carolina.

Requiring Plaintiff to proceed with the trial while away from her husband at a critical stage in his health, from which he may not recover, will serve an extreme prejudice to Plaintiff. This Court enjoys broad discretion in administering its dockets, which discretion "encompasses the granting and denial of requests for continuances." *Macaulay v. Anas*, 321 F.3d 45 (1st Cir. 2003). Accordingly, Plaintiff respectfully requests that this Court recognize the prejudice that Plaintiff will suffer if the trial moves forward on April 14, 2008 and postpone the trial until the Fall 2008 trial calendar.

III. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court grant her Motion for Postponement of Trial.

Respectfully submitted,

LATSHA DAVIS YOHE & MCKENNA, P.C.

Dated: March 31, 2008

By: /s/ Glenn R. Davis

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing document was served upon the attorney of record for each party by electronic transmission.

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